

CLERK US DISTRICT COURT  
NORTHERN DIST. OF TX  
FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

2010 MAR -2 PM 12: 54

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DONACIANO GONZALES, PRO SE,  
TDCJ-CID No. 727398,

Plaintiff,

V.

2:08-CV-0080

PAUL SLOAN, Assistant Warden,  
JOE GRIMES, Assistant Warden,  
RICCI MOUNSEY, JURADO TITTA,  
PAMELA BARRIENTEZ, V. CARTER, and  
HOMER PETTY, Offender, TDCJ #1332626,

**Defendants.**

## ORDER OF DISMISSAL

The instant cause was originally filed in the United States District Court for the Western District of Texas, Midland-Odessa Division and was received by transfer to the United States District Court for the Northern District of Texas, Amarillo Division, on April 11, 2008.

Plaintiff DONACIANO GONZALES, while a prisoner confined in the Texas Department of Criminal Justice, Correctional Institutions Division, filed suit pursuant to Title 42, United States Code, section 1983 complaining against the above-referenced defendants and has been granted permission to proceed *in forma pauperis*.

On February 12, 2010, a Report and Recommendation was issued by the United States Magistrate Judge analyzing plaintiff's claims and recommending dismissal without prejudice for failure to state a claim on which relief can be granted.

On February 25, 2010, plaintiff filed his Objections.

The Court has made an independent examination of the records in this case and has examined the Magistrate Judge's Report and Recommendation, as well as the Objections filed by the plaintiff.

The Court is of the opinion that the objections of the plaintiff should be OVERRULED and the Report and Recommendation of the United States Magistrate Judge should be ADOPTED by the United States District Court.

This Court, therefore, does OVERRULE plaintiff's objections, and does hereby ADOPT the Report and Recommendation of the United States Magistrate Judge.

IT IS THEREFORE ORDERED that the Civil Rights Complaint by DONACIANO GONZALES is DISMISSED WITHOUT PREJUDICE FOR FAILURE TO STATE A CLAIM ON WHICH RELIEF CAN BE GRANTED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

IT IS SO ORDERED.

Signed this the 2nd day of March, 2010.

  
MARY LOU ROBINSON  
United States District Judge